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17 UNITED STATES DISTRICT COURT
18 EASTERN DISTRICT OF CALIFORNIA
19

20 NATALY LOPEZ VARGAS, an individual, on
behalf of herself and all others similarly
21 situated,

22 Plaintiff,

23 v.

24 SAPUTO DAIRY FOODS USA, LLC, a
Delaware limited liability corporation; and
25 DOES 1 through 10, inclusive,

26 Defendants.
27
28

Case No. 1:22-cv-01645- DJC-JDP

**JOINT STIPULATION AND ORDER
TO MAINTAIN STAY AND VACATE
ALL HEARINGS AND DEADLINES
PENDING RESOLUTION OF FINAL
SETTLEMENT APPROVAL**

Complaint Filed: November 21, 2022

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

Defendant Saputo Dairy Foods USA, LLC (“Saputo” or “Defendant”) and Plaintiff Nataly Lopez Vargas (“Vargas” or “Plaintiff”) (collectively, the “Parties”), by and through their respective attorneys of record, submit the following Joint Stipulation and Proposed Order to Maintain the Stay and Vacate All Deadlines Pending Resolution of Final Settlement Approval.

BACKGROUND

1. On May 31, 2023, the court entered the Parties’ stipulation to stay all proceedings in this matter to allow the Parties to explore settlement through private mediation. (*See* ECF No. 19.)

2. On September 19, 2023, at private mediation, the Parties agreed to a settlement of this action and the following related actions (the “Global Settlement”): *Psalms Martinez v. Saputo Dairy Foods USA, LLC*, Case No. 1:22-cv-1624 -DJC-JDP (E.D. Cal.); *Psalms Martinez v. Saputo Dairy Foods USA, LLC*, Case No. VCU294960 (Tulare Cnty. Sup. Ct.) (“*Martinez* PAGA Action”); *Romero v. Saputo Dairy Foods USA, LLC*, Case No. 1:23-cv-00427-DJC-JDP (E.D. Cal.); *Romero v. Saputo Dairy Foods USA, LLC*, Case No. VCU298775 (Tulare Cnty. Sup. Ct.) (collectively, the “Related Actions”).

3. On September 26, 2023, the Parties filed a Joint Report and Notice of Settlement. (*See* ECF No. 27.)

4. On September 28, 2023, this Court issued a Minute Order directing Plaintiff to file a motion for preliminary approval of the settlement within 90 days in accordance with the provisions of Local Rule 160. (*See* ECF No. 28.)

5. Given the significant overlap in the claims asserted in the Related Actions, for the sake of judicial economy, and pursuant to the terms of the Parties’ Memorandum of Understanding reached after the mediation, the Parties intend to pursue approval of the Global Settlement through the *Martinez* PAGA Action in Tulare County Superior Court.

6. The Parties are in the process of preparing a long form settlement agreement and anticipate that a motion for preliminary settlement approval will be filed in the *Martinez* PAGA

1 Action within the next 60 days.

2 7. To facilitate the settlement approval process, the Parties hereby enter into the
3 following stipulation, subject to court approval, to maintain the stay of the proceedings and vacate
4 all deadlines pending final approval of the Global Settlement.

5 **STIPULATION**

6 **IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:**

- 7 1. This action shall remain stayed pending final approval of the Global Settlement through
8 the *Martinez* PAGA Action, Case No. VCU294960 (Tulare Cnty. Sup. Ct.).
- 9 2. All deadlines, hearings, and conferences, including the deadline for Plaintiff to file a
10 motion for preliminary approval pursuant to Local Rule 160, are VACATED.
- 11 3. The Parties will file a joint status report to apprise this Court of the date set for the hearing
12 on the motion for final settlement approval of the Global Settlement in the *Martinez*
13 PAGA Action within five court days after that hearing date is set.
- 14 4. In the event the court does not grant final approval of the Global Settlement in the
15 *Martinez* PAGA Action, the Parties shall return to status quo as existed before this action
16 was stayed.

17 **IT IS SO STIPULATED.**

18 Dated: November 17, 2023

JONES DAY

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20 By: /s/ Koree B. Wooley

Koree B. Wooley

21 Attorneys for Defendant SAPUTO DAIRY
22 FOODS USA, LLC

23 Dated: November 17, 2023

MATERN LAW GROUP PC

24
25 By: /s/ Irina A. Kirnosova (as authorized on
26 11/16/23)

Irina A. Kirnosova

27 Attorneys for Plaintiff NATALY LOPEZ VARGAS
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ORDER

Having considered the Joint Stipulation between all Parties, and good cause appearing,
IT IS SO ORDERED.

Dated: November 17, 2023

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE